

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1646

January 20, 2022

SUMMARY OF BILL: Creates a Class B felony offense for knowingly and unlawfully killing a police dog, fire dog, search and rescue dog, service animal, or police horse without the owner's effective consent. Authorizes transfer of juveniles charged with the offense to adult criminal court.

FISCAL IMPACT:

Increase State Expenditures – \$10,000 Incarceration

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-14-205, knowingly and unlawfully kill the animal of another without the owner's effective consent is theft of property, graded according to the value of the animal, and enhanced to at least a Class E felony offense if the animal is a police dog, fire dog, search and rescue dog, or police horse.
- Theft of \$500-\$1,000 is a Class E felony, and theft of \$1,000-\$10,000 is a Class D felony.
- Based upon information provided by the Department of Correction, there has been an average of .2 admissions in each of the last 10 years for the Class D felony offense under Tenn. Code Ann. § 39-14-205 for intentional killing of an animal, with an average time served of 1.11 years. There have not been any Class E felony offenses under Tenn. Code Ann. § 39-14-205 over the last 10 years.
- The average time served for a Class B felony offense is 3.27 years.
- It is estimated that the proposed legislation will result in one additional admission every five years serving an additional 2.16 years (3.27 – 1.11).
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ -	FY22-23
\$ 1,500	FY23-24
\$ 7,100	FY24-25
\$ 10,000	FY25-26
\$ 8,100	FY26-27
\$ 8,100	FY27-28
\$ 8,100	FY28-29
\$ 8,100	FY29-30
\$ 8,100	FY30-31
\$ 8,100	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring cost increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$10,000.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- Passage of the proposed legislation will not significantly decrease the number of juveniles being committed to the Department of Children's Services (DCS); therefore, any fiscal impact to DCS is not significant.
- All calculations used in completion of this fiscal note are available upon request.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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